



RULE 63 (37 CFR § 1.63)  
DECLARATION FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "PRODUCT AND PROCESS FOR REGULATION OF T CELL RESPONSES", the specification of which has been prepared and filed on April 26, 2001, receiving Serial No. 09/844,928, and further identified as Attorney File No. 2879-76.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which I have read.

I hereby claim priority benefits under 35 U.S.C. 119(e) of any provisional application(s) for patent listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/199,763	April 26, 2000	abandoned

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



(1) Inventor's Signature Philippa Marrack Date 6/28/01

Inventor's Name: Philippa Marrack  
Citizenship: USA  
Residence: 4350 Montview Blvd.  
Denver, Colorado 80207  
Post Office Address: Same as Residence

(2) Inventor's Signature John W. Kappler Date 6-28-01

Inventor's Name: John W. Kappler  
Citizenship: USA  
Residence: 4350 Montview Blvd.  
Denver, Colorado 80207  
Post Office Address: Same as Residence

(3) Inventor's Signature Chia-Chi Ku Date 7-3-01

Inventor's Name: Chia Chi Ku  
Citizenship: Taiwan  
Residence: 1721 California St., Apt. #19  
Mountain View, California 94041  
Post Office Address: Same as Residence

(4) Inventor's Signature Masaaki Murakami Date 6-29-01

Inventor's Name: Masaaki Murakami  
Citizenship: Japan  
Residence: 6780 E. Cedar Ave., #303  
Denver, Colorado 80224  
Post Office Address: Same as Residence

(5) Inventor's Signature Akemi Sakamoto Date 7-24-01

Inventor's Name: Akemi Sakamoto  
Citizenship: Japan  
Residence: 2-3-28-702 Anagawa, Inage-Ku  
Chiba 263-0024, Japan  
Post Office Address: Same as Residence

37 CFR §1.56(a) and (b)  
DUTY TO DISCLOSE INFORMATION MATERIAL  
TO PATENTABILITY



(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.\*

\*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."



## POWER OF ATTORNEY

On behalf of National Jewish Medical and Research Center, a Colorado corporation having a principal place of business at 1400 Jackson St., Denver, Colorado 80206 being the assignee of and owning all right, title and interest in the invention entitled "PRODUCT AND PROCESS FOR REGULATION OF T CELL RESPONSES", for which application for Letters Patent of the United States has been made by Philippa Marrack, John W. Kappler, Chia Chi Ku, Masaaki Murakami, and Akemi Sakamoto, said application having been filed on April 26, 2001, receiving Serial No. 09/844,928, and further identified as Attorney File No. 2879-76, I, James D. Croop, M.D., Exec. VP for Academic Affairs of National Jewish Medical and Research Center, hereby appoint David F. Zinger, Registration No. 29,127; Craig C. Groseth, Registration No. 31,713; Sabrina C. Stavish, Registration No. 33,374; Todd P. Blakely, Registration No. 31,328; Lewis D. Hansen, Registration No. 35,536; Joseph E. Kovarik, Registration No. 33,005; Gary J. Connell, Registration No. 32,020; Wannell M. Crook, Registration No. 31,071; Douglas W. Swartz, Registration No. 37,739; Bruce A. Kugler, Registration No. 38,942; Robert R. Brunelli, Registration No. 39,617; Tejpal S. Hansra, Registration No. 38,172; Dana Hartje Cardwell, Registration No. 40,638; Angela K. Dallas, Registration No. 42,460; Benjamin B. Lieb, Registration No. 42,801; Bradley M. Knepper, Registration No. 44,189; Miriam Drickman Trudell, Registration No. 42,499; Dennis J. Dupray, Registration No. 46,299; Todd M. Petersen, Registration No. 45,580; Kenneth C. Winterton, Registration No. 48,040; Robert D. Traver, Registration No. 47,999; Brent P. Johnson, Registration No. 38,031; Mark L. Yaskanin, Registration No. 45,246; and Mollybeth R. Kocialski, Registration No. 42,754 of SHERIDAN ROSS P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202-5141, telephone number (303) 863-9700, as attorneys and agents for National Jewish Medical and Research Center with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

National Jewish Medical and Research Center certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above, a copy of which is attached. The undersigned has reviewed the assignment of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 6/26/01

By: James D. Zinger  
Name: James D. Croop  
Title: Executive VP for Academic Affairs

## ASSIGNMENT

WHEREAS, we, Philippa Marrack of 4350 Montview Blvd., Denver, Colorado 80207, John W. Kappler of 4350 Montview Blvd., Denver, Colorado 80207, Chia Chi Ku of 1721 California St., Apt. #19, Mountain View, California 94041, Masaaki Murakami of 6780 E. Cedar Ave., #303, Denver, Colorado 80224, and Akemi Sakamoto of 2-3-28-702 Anagawa, Inage-Ku, Chiba 263-0024, Japan, have invented a certain new and useful invention entitled "PRODUCT AND PROCESS FOR REGULATION OF T CELL RESPONSES", for which an application for Letters Patent of the United States has been prepared and filed on April 26, 2001, receiving Serial No. 09/844,928, and further identified as Attorney File No. 2879-76;

NOW THEREFORE, be it known that we, the said inventors, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, National Jewish Medical and Research Center, a Colorado corporation having a place of business at 1400 Jackson St., Denver, Colorado 80206, its successors, legal representatives and assigns, the aforesaid application for the territory of the United States of America and all continuation, divisional, continuation-in-part and reissue applications, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty, and all applications for extension filed or to be filed for the invention, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention in the United States or any other country; we also assign any right, title or interest in and to the invention which has not already been transferred to the assignee; we warrant that we have made no assignment of the invention, application or patent therefor to a party other than National Jewish Medical and Research Center and we are under no obligation to make any assignment of the invention, application, or patent therefor to any other party; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention, but at the expense of said assignee.

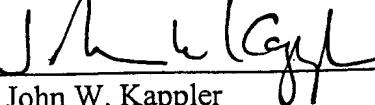
The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment, to National Jewish Medical and Research Center, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereunder.

Date: 6/28/01

By:   
Philippa Marrack

Date: 6/28/01

By:   
John W. Kappler

Date: 7/3/01

By:   
Chia Chi Ku

Date: 6/29/01

By:   
Masaaki Murakami

Date: 7/24/01

By: Akemi Sakamoto  
Akemi Sakamoto

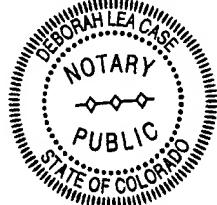
WITNESS:

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STATE OF COLORADO )  
COUNTY OF *Denver* ) ss.

Before me, a Notary Public in and for said County and State, personally appeared Philippa Marrack, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 28 day of June, 2001.



MY COMMISSION EXPIRES:  
11-8-2003

May 3, 2003  
STATE OF COLORADO )  
 ) SS.  
COUNTY OF *Orpha* )

Before me, a Notary Public in a  
 known to me to be the person whose name  
 is affixed to the instrument, and I further  
 know to me that he executed the same for the  
 purpose and intent therein expressed.

Given under my hand and seal,

A circular notary seal with a decorative border. The text "DEBORAH LEA CASE" is at the top, "NOTARY" is in the center, and "PUBLIC" is at the bottom. Below "NOTARY" are three diamond shapes. The outer border contains the words "STATE OF COLORADO".

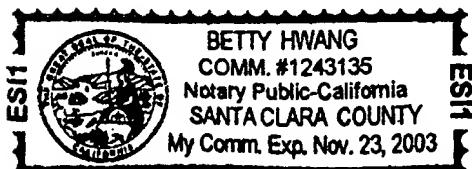
MY COMMISSION EXPIRES:  
 May 3, 2003

STATE OF COLORADO

COUNTY OF Santa Clara  
 (Signature) (SS.)

Before me, a Notary Public in and for said County and State, personally appeared Chia Chi Ku, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 3 day of July, 2001.

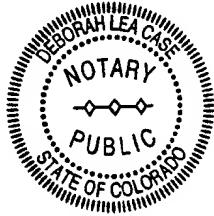


Notary Public  
My commission expires: 11/23/2003

STATE OF COLORADO )  
COUNTY OF *Denver* ) ss.

Before me, a Notary Public in and for said County and State, personally appeared Masaaki Murakami, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 29 day of June, 2001.



MY COMMISSION EXPIRES:  
May 3, 2003

Robert Rose  
Notary Public  
My commission expires: 5/3/03